

**IN THE U.S. DISTRICT COURT FOR MARYLAND,  
SOUTHERN DIVISION**

BEYOND SYSTEMS, INC.	)	
	)	
Plaintiff	)	
v.	)	Case No. PJM 08 cv 0921
	)	
WAUSA USA, LLC, et al.	)	
	)	
Defendants.	)	
_____	)	

**WORLD AVENUE USA, LLC'S OPPOSITION TO PLAINTIFF'S  
MOTIONS FOR EXTENSION OF TIME**

Defendant World Avenue USA, LLC ("WAUSA"), through the undersigned counsel, regrets making, and asking the court to review, a filing on Thanksgiving Day, but is forced to do so by BSI's disregard for the Court's Order setting a special deadline to accommodate BSI's request. WAUSA, hereby submits this Opposition to Plaintiff's Motions for Extension of Time to file its Reply brief to DE 480. DE 532 and DE 531.<sup>1</sup>

The Court set this filing deadline in connection with allowing Plaintiff, at the eleventh hour, to place DE 480 on the agenda for the November 29, 2010 hearing. The Reply deadline left Defendant WAUSA with only the Thanksgiving holiday to review this filing. In its Motion for Partial Summary Judgment, Plaintiff seeks a default judgment of hundreds of millions of dollars against a non-party TheUseful, LLC. Time being precious, the undersigned WAUSA counsel was on line waiting for the filing of the Reply brief at midnight. Under these circumstances, even a twelve hour delay significantly prejudices WAUSA. The delay is also disrespectful of the Court's decision to hear BSI's motion despite WAUSA original objection.

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<sup>1</sup> Due to time constraints, WAUSA files one Opposition to the requests and, based on the requirements of the ECF system, we file it twice in response to each motion.

Therefore, World Avenue USA, LLC requests the court deny Plaintiff's request for extension and strike the Reply filed after the November 24 deadline. DE 534. In the alternative, WAUSA requests the Court remove Plaintiff's Motion for Partial Summary Judgment and in the Alternative, for Entry of An Order of Default against TheUseful, LLC, DE 480, from the November 29 hearing agenda.

Regarding the exhaustive request for extensions BSI request at DE 531, perhaps due to the lateness of the filing, Plaintiff omits facts relevant to the Court's decision. WAUSA told BSI it would agree to such an extension if the parties sought to postpone all intervening focus points requiring attention being diverted from settlement negotiations and the drafting of settlement agreement terms, *i.e.*, the filing dates and the hearing. Instead, BSI chose to use the November 29<sup>th</sup> hearing to pressure WAUSA in settlement negotiations. WAUSA told BSI Wednesday, despite great progress, counsel had to shift to hearing preparation and stop settlement negotiations. BSI again rejected a global extension approach to the Court. WAUSA will meet its interim deadlines.

Having failed at using the hearing as a sword, BSI seeks to use it as a shield. Moreover, BSI could have filed its requests far earlier in the day, but waited until after 11.17 and 11.40 pm, respectively -- a transparent action designed to limit WAUSA's ability to communicate with the Court by pushing it into a federal holiday.

For the foregoing reasons, World Avenue USA, LLC submits both Plaintiff's Motions for Extension of Time at DE 531 and DE 532 should be denied.

WAUSA wishes all a plentiful Thanksgiving.

Dated: November 25, 2010

Respectfully submitted,

Attorneys for World Avenue USA, LLC

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